

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON CLARE,

1:05-cv-00598-REC-SMS

Plaintiff,

vs.

**ORDER SETTING VOLUNTARY  
SETTLEMENT CONFERENCE**

GOTTSCHALKS, INC., a Delaware  
corporation, PAN PACIFIC RETAIL  
PROPERTIES, INC., a Maryland  
corporation, et al.,

Date: 11/15/05  
Time: 1:30 p.m.  
Ctrm: Four  
Judge: Hon. Sandra M. Snyder,  
U.S. Magistrate Judge

Defendants.

This matter came on regularly for a Mandatory Scheduling Conference on August 23, 2005 at 9:00 a.m. in Courtroom No. 4 before the Honorable Sandra M. Snyder, United States Magistrate Judge, pursuant to the court's Order Setting Mandatory Scheduling Conference, filed May 3, 2005 (doc. 5). Jason K. Singleton, Esq., of the Singleton Law Group appeared telephonically on behalf of plaintiff. David R. McNamara, Esq., of McCormick, Barstow, Sheppard, Wayte & Carruth, LLP, appeared on behalf of defendant, Gottschalks, Inc. Rebecca Weinstein-Hamilton, Esq., of Caulfield, Davies & Donahue, LLP, appeared telephonically on behalf of defendant, Pan Pacific Retail Properties, Inc.

1 The parties stipulated to continue scheduling this case  
2 until after a Voluntary Settlement Conference, to be held on  
3 November 15, 2005 at 1:30 p.m. in Courtroom No. 4 before Judge  
4 Snyder. This case will be scheduled after this Settlement  
5 Conference if it is not settled on November 15, 2005.

6 **SETTLEMENT CONFERENCE REQUIREMENTS**

7 Therefore, unless otherwise permitted in advance by Judge  
8 Snyder, **the attorneys who will try the case shall personally**  
9 **appear** at the Settlement Conference **with the parties** and the  
10 person or persons having **full authority** to negotiate and settle  
11 the case **on any terms**<sup>1</sup> at the conference.

12 Permission for a party *[not attorney]* to attend by telephone  
13 may be granted by Judge Snyder upon request, by letter, with a  
14 copy to the other parties, IF the party lives and works outside  
15 the Eastern District of California, AND attendance in person  
16 would constitute a hardship. If telephone attendance is allowed,  
17 **the party must be immediately available throughout the**  
18 **conference, until excused, regardless of time zone differences.**

19 Any other special arrangements desired in cases where settlement  
20 authority rests with a governing body shall also be proposed, in  
21 advance, by letter, and copied to all other parties.

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24 <sup>1</sup>Insurance carriers, business organizations, and governmental  
25 bodies or agencies whose settlement agreements are subject to approval  
26 by legislative bodies, executive committees, boards of directors, or  
27 the like, shall be represented by a person or persons who occupy high  
28 executive positions in the party organization, and who will be  
directly involved in the process of approval of any settlement offers  
or agreements. To the extent possible, the representative shall have  
the authority, if he or she deems it appropriate, to settle the action  
on terms consistent with the opposing party's most recent demand.

**CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

A Confidential Settlement Conference Statement is **MANDATORY**, and must be submitted to Judge Snyder's chambers, **at least five (5) court days prior to the Settlement Conference**, by e-mail to [SMSOrders@caed.uscourts.gov](mailto:SMSOrders@caed.uscourts.gov). Failure to so comply may result in the imposition of monetary and/or other sanctions.

The Statement should **not be filed** with the Clerk's Office nor **served on any other party**, although the parties may file a Notice of Lodging Confidential Settlement Conference Statement. Each Statement shall be clearly marked "Confidential" with the date and time of the Settlement Conference indicated prominently thereon. Counsel are urged to request the return of their Statements if settlement is not achieved and, if such a request is not made, the Court will dispose of the Statement.

The Confidential Settlement Conference Statement shall include the following:

A. A brief statement of the facts of the case.

B. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and, a description of the major issues in dispute.

C. A summary of the proceedings to date.

D. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.

E. The relief sought.

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1 F. The party's position on settlement, including present  
2 demands and offers, and a history of past settlement discussions,  
3 offers, and demands.

4 **ADMONITION**

5 If it is clear to counsel and/or the parties that this case  
6 is not in a settlement posture, counsel are directed to contact  
7 this Court's staff immediately to make arrangements for a  
8 continuance **OR** to take it off calendar. **OTHERWISE**, this Court  
9 will assume the following:

10 1. That plaintiff has provided defendants with a timely  
11 demand;

12 2. That the parties have met and conferred sufficiently at  
13 least once prior to the Settlement Conference regarding possible  
14 settlement; and,

15 3. That the parties are therefore ready, willing, and able  
16 to settle the case, meaning that (A) defendants have settlement  
17 authority, and (B) plaintiff is willing to negotiate in good  
18 faith.

19 If there is no settlement authority from either or any party  
20 and/or it is the hope of one or more parties that this Court  
21 assess strengths and weaknesses of each parties' cases such that  
22 this Court will hopefully convince a party to dismiss his/her/  
23 their lawsuit, **THIS IS NOT SETTLEMENT**. In such a situation, the  
24 parties are ordered to coordinate a telephonic conference call  
25 with this Court, through Courtroom Deputy Harriet Herman at (559)  
26 498-7252 OR Judicial Assistant Frances Robles at (559) 498-7325,  
27 prior to the Settlement Conference, to discuss the status of  
28 settlement. Failure to do so could result in sanctions against

any or all parties if appearances are made and it was known to  
one or more parties that the case cannot settle.

IT IS SO ORDERED.

**Dated: August 24, 2005**  
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**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE